

Senate File 492

H-8297

1 Amend the amendment, H-8293, to Senate File 492, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 21,
4 line 31, and inserting:

5 <Amend Senate File 492, as passed by the Senate, as
6 follows:

7 1. Page 1, before line 1 by inserting:

8 <DIVISION I

9 DISASTER CASE MANAGEMENT GRANT FUND AND PROGRAM>

10 2. Page 3, after line 22 by inserting:

11 <DIVISION ____

12 MEDICAL CANNABIS

13 Sec. _____. Section 124.204, subsection 4, paragraphs
14 m and u, Code 2016, are amended by striking the
15 paragraphs.

16 Sec. _____. Section 124.204, subsection 7, Code 2016,
17 is amended by striking the subsection.

18 Sec. _____. Section 124.206, subsection 7, Code 2016,
19 is amended to read as follows:

20 7. *Hallucinogenic substances*. Unless specifically
21 excepted or unless listed in another schedule, any
22 material, compound, mixture, or preparation which
23 contains any quantity of the following substances,
24 or, for purposes of paragraphs "a" and "b", which
25 contains any of its salts, isomers, or salts of isomers
26 whenever the existence of such salts, isomers, or salts
27 of isomers is possible within the specific chemical
28 designation (for purposes of this paragraph only, the
29 term "isomer" includes the optical, positional, and
30 geometric isomers):

31 a. Marijuana when used for medicinal purposes
32 pursuant to rules of the board.

33 b. Tetrahydrocannabinols, meaning
34 tetrahydrocannabinols naturally contained in a
35 plant of the genus cannabis (cannabis plant) as well

1 as synthetic equivalents of the substances contained
2 in the cannabis plant, or in the resinous extractives
3 of such plant, and synthetic substances, derivatives,
4 and their isomers with similar chemical structure and
5 pharmacological activity to those substances contained
6 in the plant, such as the following:

7 (1) 1 cis or trans tetrahydrocannabinol, and their
8 optical isomers.

9 (2) 6 cis or trans tetrahydrocannabinol, and their
10 optical isomers.

11 (3) 3,4 cis or trans tetrahydrocannabinol, and
12 their optical isomers. (Since nomenclature of these
13 substances is not internationally standardized,
14 compounds of these structures, regardless of numerical
15 designation of atomic positions covered.)

16 ~~b.~~ c. Nabilone [another name for
17 nabilone: (+-) -

18 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-
19 dimethyl-9H-dibenzo[b,d]pyran-9-one].

20 Sec. _____. Section 124.401, subsection 5, unnumbered
21 paragraph 3, Code 2016, is amended to read as follows:

22 A person may knowingly or intentionally recommend,
23 possess, use, dispense, deliver, transport, or
24 administer ~~cannabidiol~~ medical cannabis if the
25 recommendation, possession, use, dispensing, delivery,
26 transporting, or administering is in accordance with
27 the provisions of ~~chapter 124D~~ 124E. For purposes of
28 this paragraph, ~~"cannabidiol"~~ "medical cannabis" means
29 the same as defined in ~~section 124D.2~~ 124E.2.

30 Sec. _____. NEW SECTION. 124E.1 Short title.

31 This chapter shall be known and may be cited as the
32 *"Compassionate Use of Medical Cannabis Act"*.

33 Sec. _____. NEW SECTION. 124E.2 Definitions.

34 As used in this chapter:

35 1. *"Debilitating medical condition"* means any of the

1 following:

2 *a.* Cancer, if the underlying condition or treatment
3 produces one or more of the following:

4 (1) Intractable pain.
5 (2) Nausea or severe vomiting.
6 (3) Cachexia or severe wasting.

7 *b.* Multiple sclerosis.
8 *c.* Epilepsy or seizure disorders.
9 *d.* AIDS or HIV as defined in section 141A.1.
10 *e.* Crohn's disease or ulcerative colitis.
11 *f.* Amyotrophic lateral sclerosis.
12 *g.* Intractable pain.
13 *h.* Glaucoma.
14 *i.* Any terminal illness, with a probable life
15 expectancy of under one year, if the illness or its
16 treatment produces one or more of the following:

17 (1) Intractable pain.
18 (2) Nausea or severe vomiting.
19 (3) Cachexia or severe wasting.

20 *j.* Any other chronic or debilitating disease or
21 medical condition or its medical treatment approved by
22 the department pursuant to rule.

23 2. "*Department*" means the department of public
24 health.

25 3. "*Disqualifying felony offense*" means a violation
26 under federal or state law of a felony offense, which
27 has as an element the possession, use, or distribution
28 of a controlled substance, as defined in 21 U.S.C.
29 §802(6).

30 4. "*Enclosed, locked facility*" means a closet, room,
31 greenhouse, or other enclosed area equipped with locks
32 or other security devices that permit access only by a
33 cardholder.

34 5. "*Health care practitioner*" means an individual
35 licensed under chapter 148 to practice medicine and

1 surgery or osteopathic medicine and surgery or an
2 individual licensed to prescribe medicine in any other
3 state and provides specialty care for an Iowa resident
4 for one or more of the debilitating medical conditions
5 provided in this chapter.

6 6. "*Intractable pain*" means a pain in which the
7 cause of the pain cannot be removed or otherwise
8 treated with the consent of the patient and which, in
9 the generally accepted course of medical practice, no
10 relief or cure of the cause of the pain is possible,
11 or none has been found after reasonable efforts.
12 Reasonable efforts for relieving or curing the cause of
13 the pain may be determined on the basis of but are not
14 limited to any of the following:

15 a. When treating a nonterminally ill patient for
16 intractable pain, evaluation by the attending physician
17 and one or more physicians specializing in pain
18 medicine or the treatment of the area, system, or organ
19 of the body perceived as the source of the pain.

20 b. When treating a terminally ill patient,
21 evaluation by the attending physician who does so in
22 accordance with the level of care, skill, and treatment
23 that would be recognized by a reasonably prudent
24 physician under similar conditions and circumstances.

25 7. "*Medical cannabis*" means any species of the genus
26 cannabis plant, or any mixture or preparation of them,
27 including whole plant extracts and resins.

28 8. "*Medical cannabis manufacturer*" means an entity
29 licensed by the department to manufacture and to
30 possess, cultivate, transport, or supply medical
31 cannabis pursuant to the provisions of this chapter.

32 9. "*Medical cannabis patient center*" means an entity
33 licensed under section 124E.8 that acquires medical
34 cannabis from a medical cannabis manufacturer in this
35 state for the purpose of dispensing medical cannabis in

1 this state pursuant to this chapter.

2 10. *"Primary caregiver"* means a person, at least
3 eighteen years of age, who has been designated by a
4 patient's health care practitioner or a person having
5 custody of a patient, as a necessary caretaker taking
6 responsibility for managing the well-being of the
7 patient with respect to the use of medical cannabis
8 pursuant to the provisions of this chapter.

9 11. *"Written certification"* means a document signed
10 by a health care practitioner, with whom the patient
11 has established a patient-provider relationship, which
12 states that the patient has a debilitating medical
13 condition and identifies that condition and provides
14 any other relevant information.

15 Sec. _____. NEW SECTION. 124E.3 **Health care**
16 **practitioner certification — duties.**

17 1. Prior to a patient's submission of an
18 application for a medical cannabis registration card
19 pursuant to section 124E.4, a health care practitioner
20 shall do all of the following:

21 a. Determine, in the health care practitioner's
22 medical judgment, whether the patient whom the health
23 care practitioner has examined and treated suffers from
24 a debilitating medical condition that qualifies for
25 the use of medical cannabis under this chapter, and
26 if so determined, provide the patient with a written
27 certification of that diagnosis.

28 b. Provide explanatory information as provided by
29 the department to the patient about the therapeutic use
30 of medical cannabis.

31 2. Determine, on an annual basis, if the patient
32 continues to suffer from a debilitating medical
33 condition and, if so, issue the patient a new
34 certification of that diagnosis.

35 3. Otherwise comply with all requirements

1 established by the department pursuant to rule.

2 4. A health care practitioner may provide, but has
3 no duty to provide, a written certification pursuant
4 to this section.

5 Sec. _____. NEW SECTION. 124E.4 **Medical cannabis**
6 **registration card.**

7 1. *Issuance to patient.* The department may approve
8 the issuance of a medical cannabis registration card by
9 the department of transportation to a patient who:

10 a. Is at least eighteen years of age.

11 b. Is a permanent resident of this state.

12 c. Submits a written certification to the
13 department signed by the patient's health care
14 practitioner that the patient is suffering from a
15 debilitating medical condition.

16 d. Submits an application to the department, on a
17 form created by the department, in consultation with
18 the department of transportation, that contains all of
19 the following:

20 (1) The patient's full name, Iowa residence
21 address, date of birth, and telephone number.

22 (2) A copy of the patient's valid photo
23 identification.

24 (3) Full name, address, and telephone number of the
25 patient's health care practitioner.

26 (4) Full name, residence address, date of birth,
27 and telephone number of each primary caregiver of the
28 patient, if any.

29 (5) Any other information required by rule.

30 2. *Patient card contents.* A medical cannabis
31 registration card issued to a patient by the department
32 of transportation pursuant to subsection 1 shall
33 contain, at a minimum, all of the following:

34 a. The patient's full name, Iowa residence address,
35 and date of birth.

1 *b.* The patient's photograph.

2 *c.* The date of issuance and expiration date of the
3 registration card.

4 *d.* Any other information required by rule.

5 3. *Issuance to primary caregiver.* For a patient in
6 a primary caregiver's care, the department may approve
7 the issuance of a medical cannabis registration card
8 by the department of transportation to the primary
9 caregiver who:

10 *a.* Is at least eighteen years of age.

11 *b.* Submits a written certification to the
12 department signed by the patient's health care
13 practitioner that the patient in the primary
14 caregiver's care is suffering from a debilitating
15 medical condition.

16 *c.* Submits an application to the department, on a
17 form created by the department, in consultation with
18 the department of transportation, that contains all of
19 the following:

20 (1) The primary caregiver's full name, residence
21 address, date of birth, and telephone number.

22 (2) The patient's full name.

23 (3) A copy of the primary caregiver's valid photo
24 identification.

25 (4) Full name, address, and telephone number of the
26 patient's health care practitioner.

27 (5) Any other information required by rule.

28 4. *Primary caregiver card contents.* A medical
29 cannabis registration card issued by the department
30 of transportation to a primary caregiver pursuant to
31 subsection 3 shall contain, at a minimum, all of the
32 following:

33 *a.* The primary caregiver's full name, residence
34 address, and date of birth.

35 *b.* The primary caregiver's photograph.

1 *c.* The date of issuance and expiration date of the
2 registration card.

3 *d.* The registration card number of each patient
4 in the primary caregiver's care. If the patient
5 in the primary caregiver's care is under the age of
6 eighteen, the full name of the patient's parent or
7 legal guardian.

8 *e.* Any other information required by rule.

9 5. *Expiration date of card.* A medical cannabis
10 registration card issued pursuant to this section shall
11 expire one year after the date of issuance and may be
12 renewed.

13 6. *Card issuance — department of*
14 *transportation.* The department may enter into
15 a chapter 28E agreement with the department of
16 transportation to facilitate the issuance of medical
17 cannabis registration cards pursuant to subsections 1
18 and 3.

19 Sec. _____. NEW SECTION. **124E.5 Medical advisory**
20 **board — duties.**

21 1. No later than August 15, 2016, the director
22 of public health shall establish a medical advisory
23 board consisting of nine practitioners representing the
24 fields of neurology, pain management, gastroenterology,
25 oncology, psychiatry, pediatrics, infectious disease,
26 family medicine, and pharmacy. The practitioners
27 shall be nationally board-certified in their area of
28 specialty and knowledgeable about the use of medical
29 cannabis.

30 2. A quorum of the advisory board shall consist of
31 five members.

32 3. The duties of the advisory board shall include
33 but not be limited to the following:

34 *a.* Reviewing and recommending to the department for
35 approval additional chronic or debilitating diseases or

1 medical conditions or their treatments as debilitating
2 medical conditions that qualify for the use of medical
3 cannabis under this chapter.

4 *b.* Accepting and reviewing petitions to add chronic
5 or debilitating diseases or medical conditions or their
6 medical treatments to the list of debilitating medical
7 conditions that qualify for the use of medical cannabis
8 under this chapter.

9 *c.* Advising the department regarding the location
10 and number of necessary medical cannabis patient
11 centers throughout the state on a continuous basis, the
12 form and quantity of allowable medical cannabis to be
13 dispensed to a patient or primary caregiver, and the
14 general oversight of medical cannabis manufacturers and
15 medical cannabis patient centers in this state.

16 *d.* Convening at least twice per year to conduct
17 public hearings and to evaluate petitions, which
18 shall be maintained as confidential personal health
19 information, to add chronic or debilitating diseases or
20 medical conditions or their medical treatments to the
21 list of debilitating medical conditions that qualify
22 for the use of medical cannabis under this chapter.

23 Sec. _____. NEW SECTION. **124E.6 Medical cannabis**
24 **manufacturer licensure.**

25 1. *a.* The department shall license up to two
26 medical cannabis manufacturers to manufacture
27 medical cannabis within this state consistent with
28 the provisions of this chapter by December 1, 2016.
29 The department shall license new medical cannabis
30 manufacturers or relicense the existing medical
31 cannabis manufacturers by December 1 of each year.

32 *b.* Information submitted during the application
33 process shall be confidential until the medical
34 cannabis manufacturer is licensed by the department
35 unless otherwise protected from disclosure under state

1 or federal law.

2 2. As a condition for licensure, a medical cannabis
3 manufacturer must agree to begin supplying medical
4 cannabis to medical cannabis patient centers in this
5 state by July 1, 2017.

6 3. The department shall consider the following
7 factors in determining whether to license a medical
8 cannabis manufacturer:

9 *a.* The technical expertise of the medical cannabis
10 manufacturer in medical cannabis.

11 *b.* The qualifications of the medical cannabis
12 manufacturer's employees.

13 *c.* The long-term financial stability of the medical
14 cannabis manufacturer.

15 *d.* The ability to provide appropriate security
16 measures on the premises of the medical cannabis
17 manufacturer.

18 *e.* Whether the medical cannabis manufacturer
19 has demonstrated an ability to meet certain medical
20 cannabis production needs for medical use regarding
21 the range of recommended dosages for each debilitating
22 medical condition, the range of chemical compositions
23 of any plant of the genus cannabis that will likely
24 be medically beneficial for each of the debilitating
25 medical conditions, and the form of the medical
26 cannabis in the manner determined by the department
27 pursuant to rule.

28 *f.* The medical cannabis manufacturer's projection
29 of and ongoing assessment of fees on patients with
30 debilitating medical conditions.

31 4. The department shall require each medical
32 cannabis manufacturer to contract with the state
33 hygienic laboratory at the university of Iowa in Iowa
34 City to test the medical cannabis produced by the
35 manufacturer. The department shall require that the

1 laboratory report testing results to the manufacturer
2 in a manner determined by the department pursuant to
3 rule.

4 Sec. _____. NEW SECTION. 124E.7 Medical cannabis
5 manufacturers.

6 1. A medical cannabis manufacturer shall contract
7 with the state hygienic laboratory at the university
8 of Iowa in Iowa City for purposes of testing the
9 medical cannabis manufactured by the medical cannabis
10 manufacturer as to content, contamination, and
11 consistency. The cost of all laboratory testing shall
12 be paid by the medical cannabis manufacturer.

13 2. The operating documents of a medical cannabis
14 manufacturer shall include all of the following:

15 a. Procedures for the oversight of the medical
16 cannabis manufacturer and procedures to ensure accurate
17 record keeping.

18 b. Procedures for the implementation of appropriate
19 security measures to deter and prevent the theft of
20 medical cannabis and unauthorized entrance into areas
21 containing medical cannabis.

22 3. A medical cannabis manufacturer shall implement
23 security requirements, including requirements for
24 protection of each location by a fully operational
25 security alarm system, facility access controls,
26 perimeter intrusion detection systems, and a personnel
27 identification system.

28 4. A medical cannabis manufacturer shall not share
29 office space with, refer patients to, or have any
30 financial relationship with a health care practitioner.

31 5. A medical cannabis manufacturer shall not permit
32 any person to consume medical cannabis on the property
33 of the medical cannabis manufacturer.

34 6. A medical cannabis manufacturer is subject to
35 reasonable inspection by the department.

1 7. A medical cannabis manufacturer shall not
2 employ a person under eighteen years of age or who has
3 been convicted of a disqualifying felony offense. An
4 employee of a medical cannabis manufacturer shall be
5 subject to a background investigation conducted by the
6 division of criminal investigation of the department
7 of public safety and a national criminal history
8 background check.

9 8. A medical cannabis manufacturer shall not
10 operate in any location, whether for manufacturing,
11 cultivating, harvesting, packaging, or processing,
12 within one thousand feet of a public or private school
13 existing before the date of the medical cannabis
14 manufacturer's licensure by the department.

15 9. A medical cannabis manufacturer shall comply
16 with reasonable restrictions set by the department
17 relating to signage, marketing, display, and
18 advertising of medical cannabis.

19 10. *a.* A medical cannabis manufacturer shall
20 provide a reliable and ongoing supply of medical
21 cannabis to medical cannabis patient centers pursuant
22 to this chapter.

23 *b.* All manufacturing, cultivating, harvesting,
24 packaging, and processing of medical cannabis shall
25 take place in an enclosed, locked facility at a
26 physical address provided to the department during the
27 licensure process.

28 *c.* A medical cannabis manufacturer shall not
29 manufacture edible medical cannabis products utilizing
30 food coloring.

31 *d.* A medical cannabis manufacturer shall
32 manufacture a reliable and ongoing supply of medical
33 cannabis to treat every debilitating medical condition
34 listed in this chapter.

35 Sec. _____. NEW SECTION. **124E.8 Medical cannabis**

1 **patient center licensure.**

2 1. *a.* The department shall license by April 1,
3 2017, up to four medical cannabis patient centers to
4 dispense medical cannabis within this state consistent
5 with the provisions of this chapter. The department
6 shall license new medical cannabis patient centers or
7 relicense the existing medical cannabis manufacturers
8 by December 1 of each year.

9 *b.* Information submitted during the application
10 process shall be confidential until the medical
11 cannabis patient center is licensed by the department
12 unless otherwise protected from disclosure under state
13 or federal law.

14 2. As a condition for licensure, a medical cannabis
15 patient center must agree to begin supplying medical
16 cannabis to patients by July 1, 2017.

17 3. The department shall consider the following
18 factors in determining whether to license a medical
19 cannabis patient center:

20 *a.* The technical expertise of the medical cannabis
21 patient center regarding medical cannabis.

22 *b.* The qualifications of the medical cannabis
23 patient center's employees.

24 *c.* The long-term financial stability of the medical
25 cannabis patient center.

26 *d.* The ability to provide appropriate security
27 measures on the premises of the medical cannabis
28 patient center.

29 *e.* The medical cannabis patient center's projection
30 and ongoing assessment of fees for the purchase of
31 medical cannabis on patients with debilitating medical
32 conditions.

33 **Sec. ____.** NEW SECTION. **124E.9 Medical cannabis**
34 **patient centers.**

35 1. *a.* The medical cannabis patient centers shall

1 be located based on geographical need throughout the
2 state to improve patient access.

3 *b.* A medical cannabis patient center may dispense
4 medical cannabis pursuant to the provisions of this
5 chapter but shall not dispense any medical cannabis
6 in a form or quantity other than the form or quantity
7 allowed by the department pursuant to rule.

8 2. The operating documents of a medical cannabis
9 patient center shall include all of the following:

10 *a.* Procedures for the oversight of the medical
11 cannabis patient center and procedures to ensure
12 accurate record keeping.

13 *b.* Procedures for the implementation of appropriate
14 security measures to deter and prevent the theft of
15 medical cannabis and unauthorized entrance into areas
16 containing medical cannabis.

17 3. A medical cannabis patient center shall
18 implement security requirements, including requirements
19 for protection by a fully operational security alarm
20 system, facility access controls, perimeter intrusion
21 detection systems, and a personnel identification
22 system.

23 4. A medical cannabis patient center shall not
24 share office space with, refer patients to, or have any
25 financial relationship with a health care practitioner.

26 5. A medical cannabis patient center shall not
27 permit any person to consume medical cannabis on the
28 property of the medical cannabis patient center.

29 6. A medical cannabis patient center is subject to
30 reasonable inspection by the department.

31 7. A medical cannabis patient center shall not
32 employ a person under eighteen years of age or who has
33 been convicted of a disqualifying felony offense. An
34 employee of a medical cannabis patient center shall be
35 subject to a background investigation conducted by the

1 division of criminal investigation of the department
2 of public safety and a national criminal history
3 background check.

4 8. A medical cannabis patient center shall not
5 operate in any location within one thousand feet of a
6 public or private school existing before the date of
7 the medical cannabis patient center's licensure by the
8 department.

9 9. A medical cannabis patient center shall
10 comply with reasonable restrictions set by the
11 department relating to signage, marketing, display, and
12 advertising of medical cannabis.

13 10. Prior to dispensing of any medical cannabis,
14 a medical cannabis patient center shall do all of the
15 following:

16 a. Verify that the medical cannabis patient center
17 has received a valid medical cannabis registration card
18 from a patient or a patient's primary caregiver, if
19 applicable.

20 b. Assign a tracking number to any medical cannabis
21 dispensed from the medical cannabis patient center.

22 c. (1) Properly package medical cannabis in
23 compliance with federal law regarding child resistant
24 packaging and exemptions for packaging for elderly
25 patients, and label medical cannabis with a list of
26 all active ingredients and individually identifying
27 information, including all of the following:

28 (a) The name and date of birth of the patient and
29 the patient's primary caregiver, if appropriate.

30 (b) The medical cannabis registration card numbers
31 of the patient and the patient's primary caregiver, if
32 applicable.

33 (c) The chemical composition of the medical
34 cannabis.

35 (2) Proper packaging of medical cannabis shall

1 include but not be limited to all of the following:

2 (a) Warning labels regarding the use of medical
3 cannabis by a woman during pregnancy and while
4 breastfeeding.

5 (b) Clearly labeled packaging indicating that
6 an edible medical cannabis product contains medical
7 cannabis and which packaging shall not imitate candy
8 products or in any way make the product marketable to
9 children.

10 11. A medical cannabis patient center shall employ
11 a pharmacist licensed pursuant to chapter 155A.

12 12. A medical cannabis patient center shall keep
13 a reliable and ongoing supply of medical cannabis to
14 treat every debilitating medical condition listed in
15 this chapter.

16 Sec. _____. NEW SECTION. 124E.10 Department duties
17 — rules.

18 1. a. The department shall maintain a confidential
19 file of the names of each patient to or for whom the
20 department issues a medical cannabis registration
21 card, the name of each primary caregiver to whom the
22 department issues a medical cannabis registration card
23 under section 124E.4, and the names of each health care
24 practitioner who provides a written certification for
25 medical cannabis pursuant to this chapter.

26 b. Individual names contained in the file shall be
27 confidential and shall not be subject to disclosure,
28 except as provided in subparagraph (1).

29 (1) Information in the confidential file maintained
30 pursuant to paragraph "a" may be released on an
31 individual basis to the following persons under the
32 following circumstances:

33 (a) To authorized employees or agents of the
34 department and the department of transportation as
35 necessary to perform the duties of the department and

1 the department of transportation pursuant to this
2 chapter.

3 (b) To authorized employees of state or local
4 law enforcement agencies, but only for the purpose of
5 verifying that a person is lawfully in possession of a
6 medical cannabis registration card issued pursuant to
7 this chapter.

8 (c) To authorized employees of a medical cannabis
9 patient center, but only for the purpose of verifying
10 that a person is lawfully in possession of a medical
11 cannabis registration card issued pursuant to this
12 chapter.

13 (2) Release of information pursuant to subparagraph
14 (1) shall be consistent with the federal Health
15 Insurance Portability and Accountability Act of 1996,
16 Pub. L. No. 104-191.

17 2. The department shall adopt rules pursuant to
18 chapter 17A to administer this chapter which shall
19 include but not be limited to rules to do all of the
20 following:

21 a. Govern the manner in which the department shall
22 consider applications for new and renewal medical
23 cannabis registration cards.

24 b. Identify criteria and set forth procedures for
25 including additional chronic or debilitating diseases
26 or medical conditions or their medical treatments
27 on the list of debilitating medical conditions that
28 qualify for the use of medical cannabis. Procedures
29 shall include a petition process and shall allow for
30 public comment and public hearings before the medical
31 advisory board.

32 c. Set forth additional chronic or debilitating
33 diseases or medical conditions or associated medical
34 treatments for inclusion on the list of debilitating
35 medical conditions that qualify for the use of medical

1 cannabis as recommended by the medical advisory board.

2 *d.* Establish the form and quantity of medical
3 cannabis allowed to be dispensed to a patient or
4 primary caregiver pursuant to this chapter. The
5 form and quantity of medical cannabis shall be
6 appropriate to serve the medical needs of patients with
7 debilitating conditions.

8 *e.* Establish requirements for the licensure of
9 medical cannabis manufacturers and medical cannabis
10 patient centers and set forth procedures for medical
11 cannabis manufacturers and medical cannabis patient
12 centers to obtain licenses.

13 *f.* Develop a dispensing system for medical cannabis
14 within this state that provides for all of the
15 following:

16 (1) Medical cannabis patient centers within
17 this state housed on secured grounds and operated by
18 licensed medical cannabis patient centers.

19 (2) The dispensing of medical cannabis to patients
20 and their primary caregivers to occur at locations
21 designated by the department.

22 *g.* Specify and implement procedures that address
23 public safety including security procedures and product
24 quality including measures to ensure contaminant-free
25 cultivation of medical cannabis, safety, and labeling.

26 *h.* Establish and implement a real-time, statewide
27 medical cannabis registry management sale tracking
28 system that is available to medical cannabis patient
29 centers on a twenty-four-hour-day, seven-day-a-week
30 basis for the purpose of verifying that a person
31 is lawfully in possession of a medical cannabis
32 registration card issued pursuant to this chapter
33 and for tracking the date of the sale and quantity of
34 medical cannabis purchased by a patient or a primary
35 caregiver.

1 *i.* Establish and implement a medical cannabis
2 inventory and delivery tracking system to track
3 medical cannabis from production by a medical cannabis
4 manufacturer through dispensing at a medical cannabis
5 patient center.

6 Sec. _____. NEW SECTION. 124E.11 **Reciprocity.**

7 A valid medical cannabis registration card, or its
8 equivalent, issued under the laws of another state
9 that allows an out-of-state patient to possess or
10 use medical cannabis in the jurisdiction of issuance
11 shall have the same force and effect as a valid
12 medical cannabis registration card issued pursuant to
13 this chapter, except that an out-of-state patient in
14 this state shall not obtain medical cannabis from a
15 medical cannabis patient center in this state and an
16 out-of-state patient shall not smoke medical cannabis.

17 Sec. _____. NEW SECTION. 124E.12 **Use of medical**
18 **cannabis — smoking prohibited.**

19 A patient shall not consume medical cannabis
20 possessed or used as authorized by this chapter by
21 smoking medical cannabis.

22 Sec. _____. NEW SECTION. 124E.13 **Use of medical**
23 **cannabis — affirmative defenses.**

24 1. A health care practitioner, including any
25 authorized agent or employee thereof, shall not be
26 subject to prosecution for the unlawful certification,
27 possession, or administration of marijuana under the
28 laws of this state for activities arising directly
29 out of or directly related to the certification or
30 use of medical cannabis in the treatment of a patient
31 diagnosed with a debilitating medical condition as
32 authorized by this chapter.

33 2. A medical cannabis manufacturer, including any
34 authorized agent or employee thereof, shall not be
35 subject to prosecution for manufacturing, possessing,

1 cultivating, harvesting, packaging, processing,
2 transporting, or supplying medical cannabis pursuant
3 to this chapter.

4 3. A medical cannabis patient center, including
5 any authorized agent or employee thereof, shall not be
6 subject to prosecution for transporting, supplying, or
7 dispensing medical cannabis pursuant to this chapter.

8 a. In a prosecution for the unlawful possession
9 of marijuana under the laws of this state, including
10 but not limited to chapters 124 and 453B, it is an
11 affirmative and complete defense to the prosecution
12 that the patient has been diagnosed with a debilitating
13 medical condition, used or possessed medical
14 cannabis pursuant to a certification by a health care
15 practitioner as authorized under this chapter, and,
16 for a patient eighteen years of age or older, is in
17 possession of a valid medical cannabis registration
18 card.

19 b. In a prosecution for the unlawful possession
20 of marijuana under the laws of this state, including
21 but not limited to chapters 124 and 453B, it is an
22 affirmative and complete defense to the prosecution
23 that the person possessed medical cannabis because the
24 person is a primary caregiver of a patient who has been
25 diagnosed with a debilitating medical condition and is
26 in possession of a valid medical cannabis registration
27 card, and where the primary caregiver's possession of
28 the medical cannabis is on behalf of the patient and
29 for the patient's use only as authorized under this
30 chapter.

31 c. If a patient or primary caregiver is charged
32 with the commission of a crime and is not in possession
33 of the person's medical cannabis registration card,
34 any charge or charges filed against the person shall
35 be dismissed by the court if the person produces to

1 the court prior to or at the person's trial a medical
2 cannabis registration card issued to that person and
3 valid at the time the person was charged.

4 4. An agency of this state or a political
5 subdivision thereof, including any law enforcement
6 agency, shall not remove or initiate proceedings to
7 remove a patient under the age of eighteen from the
8 home of a parent based solely upon the parent's or
9 patient's possession or use of medical cannabis as
10 authorized under this chapter.

11 Sec. _____. REPEAL. Chapter 124D, Code 2016, is
12 repealed.

13 Sec. _____. EMERGENCY RULES. The department may
14 adopt emergency rules under section 17A.4, subsection
15 3, and section 17A.5, subsection 2, paragraph "b",
16 to implement the provisions of this division of this
17 Act and the rules shall be effective immediately upon
18 filing unless a later date is specified in the rules.
19 Any rules adopted in accordance with this section shall
20 also be published as a notice of intended action as
21 provided in section 17A.4.

22 Sec. _____. TRANSITION PROVISIONS. A medical
23 cannabis registration card issued under chapter 124D
24 prior to July 1, 2016, remains effective and continues
25 in effect as issued for the twelve-month period
26 following its issuance. This division of this Act does
27 not preclude the permit holder from seeking to renew
28 the permit under this division of this Act prior to the
29 expiration of the twelve-month period.

30 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
31 of this Act, being deemed of immediate importance,
32 takes effect upon enactment.>

33 3. Title page, by striking lines 1 and 2 and
34 inserting <An Act relating to statewide programs
35 for the health and safety of Iowa residents, making

1 penalties applicable, and including effective date
2 provisions.>
3 4. By renumbering, redesignating, and correcting
4 internal references as necessary.>

FORBES of Polk

KRESSIG of Black Hawk